

## REMARKS

### **A.      Status of the Claims**

Claims 5, 9-12, 14 and 24-26 were pending at the time of the Action. Claims 5 and 26 are amended herein consistent with the remarks in the Telephonic Interview Summary provided above. Support for the amendments is found, at least, in the claims as filed and in Figure 2 and paragraph 33 of the specification. Claim 5 has additionally been amended to delete the term “transgenic”, which is unnecessary given that the claim currently requires elements that are not native to corn plants and thus the claim does not read on a product of nature. No new matter is added.

### **B.      Status of the Rejections**

The Action has rejected claim 26 as indefinite under 35 U.S.C. § 112, Second Paragraph, and as obvious under 35 U.S.C. § 103(a). As indicated in the Telephonic Interview Summary above, the claim has been amended to clarify that the claimed composition comprises corn event MON88017. The rejection is thus moot and withdrawal thereof is therefore respectfully requested.

The Action also rejects claims 5, 14 and 34-36 as lacking an adequate written description. As explained hereinabove, claim 5, upon which the remaining rejected claims depend, has been amended as suggested by the Examiner during the telephonic interview summary. The rejection is therefore moot and withdrawal thereof is thus respectfully requested.

In view of the foregoing, all of the rejections have been overcome and the case is in condition for allowance. Such action is therefore respectfully requested.

C. Conclusion

The Examiner is invited to contact the undersigned at (214) 259-0931 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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